



2013 ASSEMBLY BILL 848

March 7, 2014 – Introduced by Representatives JAGLER, RIPP, NASS, BROOKS, KLEEFISCH, THIESFELDT and NYGREN. Referred to Committee on Environment and Forestry.

1 **AN ACT to amend** 283.83 (1) (intro.) and 283.83 (1) (b); and **to create** 283.83 (1m)
2 of the statutes; **relating to:** areawide water quality management planning for
3 Dane County.

Analysis by the Legislative Reference Bureau

Federal law requires each state to have a continuing water quality planning process that is approved by the federal Environmental Protection Agency. The law requires the plans resulting from this process to include, among a number of other elements, areawide waste treatment management plans, which contain plans for the construction of sewage treatment plants and sewage collection systems.

Current state law requires the Department of Natural Resources (DNR) to establish a continuing water quality management planning process that results in areawide water quality management plans for all areas of the state. The plans must include the elements required by federal law. Under DNR's rules, an areawide water quality management plan for an urban area must identify sewer service areas for a 20-year planning period.

Under the rules, for some areas, DNR reviews and approves water quality management plans developed by designated local or regional agencies. DNR adopts plans for other areas, but the rules specify that preparation of plans for those areas will be carried out by local or regional planning agencies under contract with DNR, if possible.

This bill requires DNR to approve or reject proposed revisions to the areawide water quality management plan for Dane County. The bill requires DNR to base its

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decision on whether the proposed revision complies with water quality standards. The bill generally requires DNR to make its decision within 90 days after a formal application for the revision is submitted. The bill allows DNR and an applicant to agree to extend the 90-day deadline. Under the bill, if DNR and the applicant do not agree to an extension and DNR does not approve or reject a proposed revision to the areawide water quality management plan for Dane County within 90 days, the proposed revision is automatically approved on the 120th day, unless before that day DNR petitions the circuit court for an order extending the time for DNR to act on the revision. The court may grant an extension for a period it determines to be reasonable.

The bill authorizes DNR to contract with a regional planning commission or other entity, except Dane County or any of its subunits, including the Dane County Lakes and Watershed Commission, to provide advisory services relating to the review of proposed revisions to the areawide water quality management plan for Dane County, but specifies that DNR may not delegate its authority to approve or reject revisions. The bill also provides that Dane County and any of its subunits, including the Dane County Lakes and Watershed Commission, may not be designated to develop the areawide water quality management plan for Dane County.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 283.83 (1) (intro.) of the statutes is amended to read:

2 283.83 (1) (intro.) The department shall establish a continuing water pollution
3 ~~control~~ quality management planning process which is consistent with applicable
4 state requirements. The continuing planning process shall result in plans for all
5 waters of the state, which plans shall include:

6 **SECTION 2.** 283.83 (1) (b) of the statutes is amended to read:

7 283.83 (1) (b) The incorporation of all elements of any applicable areawide
8 ~~waste~~ water quality management plans, basin plans and statewide land use plans;

9 **SECTION 3.** 283.83 (1m) of the statutes is created to read:

10 283.83 (1m) (a) The department shall approve or reject proposed revisions to
11 the areawide water quality management plan for the area consisting of Dane County.

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1 The department shall base a decision under this paragraph on whether the proposed
2 revision complies with the water quality standards under s. 281.15. The department
3 may place conditions on its approval of a proposed revision to the plan.

4 (b) The department, or a person contracting with the department under par.
5 (f), may not require information concerning a proposed revision to the areawide
6 water quality management plan for the area consisting of Dane County other than
7 information that is reasonably necessary to determine whether the proposed
8 revision complies with water quality standards under s. 281.15.

9 (c) 1. The department shall approve or reject a proposed revision to the
10 areawide water quality management plan for the area consisting of Dane County no
11 later than the 90th day after the day on which the department, or a person
12 contracting with the department under par. (f), receives the formal application for
13 the proposed revision, including a letter from the applicant certifying that the
14 proposed revision is consistent with water quality standards and information
15 supporting the certification, except as provided under subd. 2. or 3. If the
16 department determines that the application is incomplete, the department shall
17 notify the applicant in writing and may make only one request for additional
18 information during the 90-day period under this subdivision.

19 2. The department and an applicant may agree to extend the deadline under
20 subd. 1. for the department to approve or reject the proposed revision.

21 3. If the department does not approve or reject a proposed revision to the
22 areawide water quality management plan by the 90th day after the day on which the
23 request is received, the revision is approved on the 120th day after the day on which
24 the department receives the formal application for the revision, unless before that
25 day the department and the applicant reach an agreement under subd. 2. or the

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1 department petitions the circuit court for an order extending the time to act on the
2 proposed revision. The court may issue an order extending the time for the
3 department to act on the proposed revision by an amount it determines is reasonable.

4 (d) The governor may not under 33 USC 1288 (a) (2) designate Dane County
5 or any of its subunits, including the Dane County lakes and watershed commission,
6 to develop the areawide water quality management plan for the area consisting of
7 Dane County or to review proposed revisions to the plan.

8 (e) The department may not contract with Dane County or any of its subunits,
9 including the Dane County lakes and watershed commission, to provide advisory
10 services relating to the review of proposed revisions to the areawide water quality
11 management plan for the area consisting of Dane County.

12 (f) The department may contract with a regional planning commission or other
13 entity, except as provided in par. (e), to provide advisory services relating to the
14 review of proposed revisions to the areawide water quality management plan for the
15 area consisting of Dane County, but the department may not delegate its authority
16 to approve or reject proposed revisions. The deadline under par. (c) 1. is not affected
17 by a contract entered into under this paragraph.

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(END)